

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

No. 7:17-MJ-1079-RJ-1

UNITED STATES OF AMERICA )  
 )  
 )  
 v. ) ORDER  
 )  
 )  
 MITCHELL LOCKLEAR, )  
 )  
 )  
 Defendant. )

This matter came before the court March 27, 2017, for a preliminary hearing regarding the criminal complaint against Defendant and for a hearing on the government's motion, pursuant to 18 U.S.C. § 3142(f), to detain Defendant pending further proceedings. On March 14, 2017, the government charged Defendant with conspiracy to distribute and possess with intent to distribute marijuana and cocaine in violation of 21 U.S.C. §§ 841(a)(1) and 846. [DE-1].

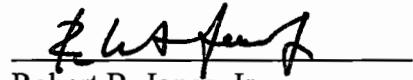
At the hearing the government presented the testimony of FBI Task Force Officer Travis Smith and Defendant presented the testimony of Debra Locklear, Defendant's wife, as a proposed third-party custodian. The court has considered the hearing testimony, complaint affidavit and the pretrial services report, which was prepared by the Office of Pretrial Services and provided to the parties in advance of the hearing. The court finds that the credible information presented by Agent Smith establishes probable cause to support the charges of the criminal complaint.

Having considered the record pursuant to 18 U.S.C. § 3142(g), the law requires that Defendant be detained pending further proceedings based on the following principal findings and reasons: (1) the nature of the offense charged against Defendant and the strength of the Government's case; (2) the failure of the release plan to reasonably assure the court as required for

reasons stated in open court. While the court has considered the testimony presented by the proposed third-party custodian, the court finds the risk of non-appearance and danger outweighs such evidence.

Accordingly, Defendant is committed to the custody of the Attorney General or a designated representative for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. Defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of the United States Court or on request of an attorney for the government, the person in charge of the corrections facility must deliver Defendant to the United States Marshals for a court appearance.

SO ORDERED, the 28th day of March 2017.

  
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Robert B. Jones, Jr.,  
United States Magistrate Judge